

House Amendment 2025

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1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 85, line 33, through page 96,
1 4 line 31, and inserting the following:
1 5 <Sec. _____. Section 137C.6, Code 2007, is amended
1 6 to read as follows:
1 7 137C.6 AUTHORITY TO ENFORCE.
1 8 1. The director shall regulate, license, and
1 9 inspect hotels and enforce the Iowa hotel sanitation
1 10 code in Iowa. Municipal corporations shall not
1 11 regulate, license, inspect, or collect license fees
1 12 from hotels except as provided for in the Iowa hotel
1 13 sanitation code.
1 14 2. If a municipal corporation wants its local
1 15 board of health to license, inspect, and otherwise
1 16 enforce the Iowa hotel sanitation code within its
1 17 jurisdiction, the municipal corporation may enter into
1 18 an agreement to do so with the director. The director
1 19 may enter into the agreement if the director finds
1 20 that the local board of health has adequate resources
1 21 to perform the required functions. A municipal
1 22 corporation may only enter into an agreement to
1 23 enforce the Iowa hotel sanitation code if it also
1 24 agrees to enforce the ~~Iowa food code rules setting~~
1 25 ~~minimum standards to protect consumers from foodborne~~
1 26 ~~illness adopted pursuant to section 137F.3 137F.2.~~
1 27 3. A local board of health that is responsible for
1 28 enforcing the Iowa hotel sanitation code within its
1 29 jurisdiction pursuant to an agreement, shall make an
1 30 annual report to the director providing the following
1 31 information:
1 32 1- a. The total number of hotel licenses granted
1 33 or renewed during the year.
1 34 2- b. The number of hotel licenses granted or
1 35 renewed during the year broken down into the following
1 36 categories:
1 37 a- (1) Hotels containing fifteen guest rooms or
1 38 less.
1 39 b- (2) Hotels containing more than fifteen but
1 40 less than thirty-one guest rooms.
1 41 c- (3) Hotels containing more than thirty but
1 42 less than seventy-six guest rooms.
1 43 d- (4) Hotels containing more than seventy-five
1 44 but less than one hundred fifty guest rooms.
1 45 e- (5) Hotels containing one hundred fifty or
1 46 more guest rooms.
1 47 3- c. The amount of money collected in license
1 48 fees during the year.
1 49 4- d. Other information the director requests.
1 50 4. The director shall monitor local boards of
2 1 health to determine if they are enforcing the Iowa
2 2 hotel sanitation code within their respective
2 3 jurisdictions. If the director determines that the
2 4 Iowa hotel sanitation code is enforced by a local
2 5 board of health, such enforcement shall be accepted in
2 6 lieu of enforcement by the department in that
2 7 jurisdiction. If the director determines that the
2 8 Iowa hotel sanitation code is not enforced by a local
2 9 board of health, the director may rescind the
2 10 agreement after reasonable notice and an opportunity
2 11 for a hearing. If the agreement is rescinded, the
2 12 director shall assume responsibility for enforcement
2 13 in the jurisdiction involved.
2 14 Sec. _____. Section 137C.9, Code 2007, is amended to
2 15 read as follows:
2 16 137C.9 LICENSE FEES.
2 17 1. Either the department or the municipal
2 18 corporation shall collect the following annual license
2 19 fees through June 30, 2008:
2 20 1- a. For a hotel containing fifteen guest rooms
2 21 or less, ~~twenty~~ thirty dollars.
2 22 2- b. For a hotel containing more than fifteen
2 23 but less than thirty-one guest rooms, ~~thirty~~
2 24 forty=five dollars.

2 25 3. c. For a hotel containing more than thirty but
2 26 less than seventy-six guest rooms, ~~forty sixty~~
2 27 dollars.
2 28 ~~4-~~ d. For a hotel containing more than
2 29 seventy-five but less than one hundred fifty guest
2 30 rooms, ~~fifty~~ seventy-five dollars.
2 31 ~~5-~~ e. For a hotel containing one hundred fifty or
2 32 more guest rooms, ~~seventy-five~~ one hundred ten
2 33 dollars.
2 34 2. Either the department or the municipal
2 35 corporation shall collect the following annual license
2 36 fees beginning July 1, 2008:
2 37 a. For a hotel containing fifteen guest rooms or
2 38 less, forty dollars.
2 39 b. For a hotel containing more than fifteen but
2 40 less than thirty-one guest rooms, sixty dollars.
2 41 c. For a hotel containing more than thirty but
2 42 less than seventy-six guest rooms, eighty dollars.
2 43 d. For a hotel containing more than seventy-five
2 44 but less than one hundred fifty guest rooms, one
2 45 hundred dollars.
2 46 e. For a hotel containing one hundred fifty or
2 47 more guest rooms, one hundred fifty dollars.
2 48 3. Fees collected by the department shall be
2 49 deposited in the general fund of the state. Fees
2 50 collected by a municipal corporation shall be retained
3 1 by it and for its use.
3 2 Sec. . . . Section 137D.2, subsection 1, Code 2007,
3 3 is amended to read as follows:
3 4 1. A person shall not open or operate a home food
3 5 establishment until a license has been obtained from
3 6 the department of inspections and appeals. The
3 7 department shall collect a fee of ~~twenty-five~~
3 8 thirty-five dollars for a license through June 30,
3 9 2008, and a fee of fifty dollars for a license
3 10 beginning July 1, 2008. After collection, the fees
3 11 shall be deposited in the general fund of the state.
3 12 A license shall expire one year from date of issue. A
3 13 license is renewable.
3 14 Sec. . . . Section 137F.1, subsection 7, Code 2007,
3 15 is amended by striking the subsection.
3 16 Sec. . . . Section 137F.1, subsection 8, unnumbered
3 17 paragraph 1, Code 2007, is amended to read as follows:
3 18 "Food establishment" means an operation that
3 19 stores, prepares, packages, serves, vends, or
3 20 otherwise provides food for human consumption and
3 21 includes a food service operation in a salvage or
3 22 distressed food operation, school, summer camp,
3 23 residential service substance abuse treatment
3 24 facility, halfway house substance abuse treatment
3 25 facility, correctional facility operated by the
3 26 department of corrections, the state training school,
3 27 or the Iowa juvenile home. "Food establishment" does
3 28 not include the following:
3 29 Sec. . . . Section 137F.2, Code 2007, is amended by
3 30 striking the section and inserting in lieu thereof the
3 31 following:
3 32 137F.2 ADOPTION BY RULE.
3 33 The department shall, in accordance with chapter
3 34 17A, adopt rules setting minimum standards for
3 35 entities covered under this chapter to protect
3 36 consumers from foodborne illness. In so doing, the
3 37 department may adopt by reference, with or without
3 38 amendment, the United States food and drug
3 39 administration food code, which shall be specified by
3 40 title and edition, date of publication, or similar
3 41 information. The rules and standards shall be
3 42 formulated in consultation with municipal corporations
3 43 under agreement with the department, affected state
3 44 agencies, and industry, professional, and consumer
3 45 groups.
3 46 Sec. . . . Section 137F.3, Code 2007, is amended to
3 47 read as follows:
3 48 137F.3 AUTHORITY TO ENFORCE.
3 49 1. The director shall regulate, license, and
3 50 inspect food establishments and food processing plants
4 1 and enforce this chapter pursuant to rules adopted by
4 2 the department in accordance with chapter 17A.
4 3 Municipal corporations shall not regulate, license,
4 4 inspect, or collect license fees from food
4 5 establishments and food processing plants, except as

4 6 provided in this section.

4 7 2. A municipal corporation may enter into an
4 8 agreement with the director to provide that the
4 9 municipal corporation shall license, inspect, and
4 10 otherwise enforce this chapter within its
4 11 jurisdiction. The director may enter into the
4 12 agreement if the director finds that the municipal
4 13 corporation has adequate resources to perform the
4 14 required functions. A municipal corporation may only
4 15 enter into an agreement to enforce the ~~Iowa food code~~
4 16 ~~rules setting minimum standards to protect consumers~~
4 17 ~~from foodborne illness adopted pursuant to this~~

4 18 section 137F.2 if it also agrees to enforce the Iowa
4 19 hotel sanitation code pursuant to section 137C.6.
4 20 However, the department shall license and inspect all
4 21 food processing plants which manufacture, package, or
4 22 label food products. A municipal corporation may
4 23 license and inspect, as authorized by this section,
4 24 food processing plants whose operations are limited to
4 25 the storage of food products.

4 26 3. If the director enters into an agreement with a
4 27 municipal corporation as provided by this section, the
4 28 director shall provide that the inspection practices
4 29 of a municipal corporation are spot-checked on a
4 30 regular basis.

4 31 4. A municipal corporation that is responsible for
4 32 enforcing this chapter within its jurisdiction
4 33 pursuant to an agreement shall make an annual report
4 34 to the director providing the following information:

4 35 1- a. The total number of licenses granted or
4 36 renewed by the municipal corporation under this
4 37 chapter during the year.
4 38 2- b. The number of licenses granted or renewed
4 39 by the municipal corporation under this chapter during
4 40 the year in each of the following categories:

4 41 a- (1) Food establishments.
4 42 b- (2) Food processing plants.
4 43 c- (3) Mobile food units and pushcarts.
4 44 d- (4) Temporary food establishments.
4 45 e- (5) Vending machines.

4 46 3- c. The amount of money collected in license
4 47 fees during the year.

4 48 d. The amount expended to conduct activity
4 49 required under the agreement submitted on a form
4 50 prescribed by the department.

5 1 4- e. Other information the director requests.

5 2 5. The director shall monitor municipal
5 3 corporations which have entered into an agreement
5 4 pursuant to this section to determine if they are
5 5 enforcing this chapter within their respective
5 6 jurisdictions. If the director determines that this
5 7 chapter is not enforced by a municipal corporation,
5 8 the director may rescind the agreement after
5 9 reasonable notice and an opportunity for a hearing.
5 10 If the agreement is rescinded, the director shall
5 11 assume responsibility for enforcement in the
5 12 jurisdiction involved.

5 13 6. Inspection staff of a municipal corporation
5 14 that has entered into an agreement with the department
5 15 shall be required to be standardized by the department
5 16 on the current adopted food code in accordance with
5 17 the United States food and drug administration
5 18 standards to ensure consistency in application of the
5 19 food code. Failure to comply may result in the
5 20 department rescinding the agreement after reasonable
5 21 notice and an opportunity for a hearing.

5 22 Sec. ____ Section 137F.3A, Code 2007, is amended
5 23 to read as follows:

5 24 137F.3A MUNICIPAL CORPORATION INSPECTIONS ==
5 25 CONTINGENT APPROPRIATION.

5 26 1. If a municipal corporation operating pursuant
5 27 to a chapter 28E agreement with the department of
5 28 inspections and appeals to enforce this chapter and
5 29 chapters 137C and 137D either fails to renew the
5 30 agreement effective after ~~July April 1, 2005, but~~
5 31 ~~before July 1, 2007, or discontinues prior to July 1,~~
5 32 ~~2007 after April 1, 2007,~~ enforcement activities in
5 33 one or more jurisdictions during the agreement time
5 34 frame, or the department of inspections and appeals
5 35 cancels an agreement ~~prior to July 1, after April 1,~~
5 36 2007, due to noncompliance with the terms of the

5 37 agreement, the department of inspections and appeals
5 38 may employ additional full-time equivalent positions
5 39 ~~for the fiscal years ending prior to July 1, 2007,~~ to
5 40 enforce the provisions of the chapters, with the
5 41 approval of the department of management. Before
5 42 approval is given, the director of the department of
5 43 management shall determine that the expenses exceed
5 44 the funds budgeted by the general assembly for food
5 45 inspections to the department of inspections and
5 46 appeals. The department of inspections and appeals
5 47 may hire no more than one full-time equivalent
5 48 position for each six hundred inspections required
5 49 pursuant to this chapter and chapters 137C and 137D.
5 50 2. Notwithstanding chapter 137D, and sections
6 1 137C.9 and 137F.6, if the conditions described in this
6 2 section are met, fees imposed pursuant to that chapter
6 3 and those sections shall be retained by and are
6 4 appropriated to the department of inspections and
6 5 appeals ~~for the each fiscal years ending prior to July~~
~~6 6 1, 2007, year or until such time as the general~~
~~6 7 assembly appropriates funds~~ to provide for salaries,
6 8 support, maintenance, and miscellaneous purposes
6 9 associated with the additional inspections.
6 10 3. ~~This section is repealed July 1, 2007.~~
6 11 Sec. _____. Section 137F.6, Code 2007, is amended to
6 12 read as follows:
6 13 137F.6 LICENSE == REINSPECTION == PLAN REVIEW
6 14 FEES.
6 15 1. The regulatory authority shall collect the
6 16 following annual license fees through June 30, 2008:
6 17 1- a. For a mobile food unit or pushcart, ~~twenty~~
6 18 sixty dollars.
6 19 2- b. For a temporary food establishment per
6 20 fixed location, ~~twenty-five~~ thirty-five dollars.
6 21 3- c. For a vending machine, twenty dollars for
6 22 the first machine and five dollars for each additional
6 23 machine.
6 24 4- d. For a food establishment which prepares or
6 25 serves food for individual portion service intended
6 26 for consumption on-the-premises, the annual license
6 27 fee shall correspond to the annual gross food and
6 28 beverage sales of the food establishment, as follows:
6 29 a- (1) Annual gross sales of under fifty thousand
6 30 dollars, ~~fifty~~ seventy-five dollars.
6 31 b- (2) Annual gross sales of at least fifty
6 32 thousand dollars but less than one hundred thousand
6 33 dollars, ~~eighty-five~~ one hundred twenty-five dollars.
6 34 c- (3) Annual gross sales of at least one hundred
6 35 thousand dollars but less than two hundred fifty
6 36 thousand dollars, ~~one hundred seventy-five~~ two hundred
~~6 37 sixty~~ dollars.
6 38 d- (4) Annual gross sales of two hundred fifty
6 39 thousand dollars but less than five hundred thousand
6 40 dollars, ~~two~~ three hundred dollars.
6 41 e- (5) Annual gross sales of five hundred
6 42 thousand dollars or more, ~~two hundred twenty-five~~
6 43 three hundred thirty-five dollars.
6 44 5- e. For a food establishment which sells food
6 45 or food products to consumer customers intended for
6 46 preparation or consumption off-the-premises, the
6 47 annual license fee shall correspond to the annual
6 48 gross food and beverage sales of the food
6 49 establishment, as follows:
6 50 a- (1) Annual gross sales of under ten thousand
7 1 dollars, ~~thirty~~ forty-five dollars.
7 2 b- (2) Annual gross sales of at least ten
7 3 thousand dollars but less than two hundred fifty
7 4 thousand dollars, ~~seventy-five~~ one hundred ten
7 5 dollars.
7 6 c- (3) Annual gross sales of at least two hundred
7 7 fifty thousand dollars but less than five hundred
7 8 thousand dollars, ~~one hundred fifteen~~ one hundred
~~7 9 seventy~~ dollars.
7 10 d- (4) Annual gross sales of at least five
7 11 hundred thousand dollars but less than seven hundred
7 12 fifty thousand dollars, ~~one hundred fifty~~ two hundred
~~7 13 twenty-five~~ dollars.
7 14 e- (5) Annual gross sales of seven hundred fifty
7 15 thousand dollars or more, ~~two hundred twenty-five~~
7 16 three hundred thirty-five dollars.
7 17 6- f. For a food processing plant, the annual

7 18 license fee shall correspond to the annual gross food
7 19 and beverage sales of the food processing plant, as
7 20 follows:

7 21 ~~a-~~ (1) Annual gross sales of under fifty thousand
7 22 dollars, ~~fifty~~ seventy-five dollars.

7 23 ~~b-~~ (2) Annual gross sales of at least fifty
7 24 thousand dollars but less than two hundred fifty
7 25 thousand dollars, one hundred fifty dollars.

7 26 ~~c-~~ (3) Annual gross sales of at least two hundred
7 27 fifty thousand dollars but less than five hundred
7 28 thousand dollars, ~~one hundred fifty~~ two hundred
7 29 twenty-five dollars.

7 30 ~~d-~~ (4) Annual gross sales of five hundred
7 31 thousand dollars or more, ~~two hundred fifty three~~
7 32 hundred seventy-five dollars.

7 33 ~~7-~~ g. For a farmers market where potentially
7 34 hazardous food is sold or distributed, one seasonal
7 35 license fee of one hundred dollars for each vendor on
7 36 a countywide basis.

7 37 h. A food establishment covered by ~~subsections 4~~
7 38 ~~and 5~~ paragraphs "d" and "e" shall be assessed license
7 39 fees not to exceed seventy-five percent of the total
7 40 fees applicable under both ~~subsections~~ paragraphs.

7 41 i. Upon transfer of ownership of an existing food
7 42 establishment or food processing plant subject to a
7 43 license fee under paragraph "d", "e", or "f", the new
7 44 owner shall pay the last license fee amount paid by
7 45 the previous owner for the first year of licensure.
7 46 In subsequent years, the licensee shall pay the fee
7 47 specified for the licensee's annual gross sales.

7 48 j. A new applicant subject to a license fee under
7 49 paragraph "d", "e", or "f" shall pay the license fee
7 50 based on projected gross sales under each of the
8 1 applicable paragraphs for the first year of licensure.
8 2 In subsequent years, the licensee shall pay the fee
8 3 specified for the licensee's annual gross sales.

8 4 k. For a food establishment or food processing
8 5 plant that is being remodeled or newly constructed and
8 6 that is subject to a license fee under paragraph "d",
8 7 "e", or "f", the applicant shall pay, in addition to
8 8 any other fees assessed under this chapter, a plan
8 9 review fee of up to two hundred fifty dollars, as
8 10 determined by the regulatory authority.

8 11 l. For a food establishment or food processing
8 12 plant that is being remodeled and that is subject to a
8 13 license fee under paragraph "d", "e", or "f", the
8 14 licensee shall pay, in addition to any other fees
8 15 assessed under this chapter, a plan review fee of up
8 16 to two hundred fifty dollars, as determined by the
8 17 regulatory authority.

8 18 m. If a routine inspection or a complaint
8 19 investigation of a food establishment or food
8 20 processing plant subject to a license fee under
8 21 paragraph "d", "e", or "f" reveals the presence of one
8 22 or more critical violations and requires one or more
8 23 physical reinspections, a reinspection fee equal to
8 24 fifty dollars shall be assessed for each reinspection.
8 25 Failure to pay the reinspection fee shall subject a
8 26 food establishment or food processing plant to
8 27 suspension or revocation of the food establishment's
8 28 or food processing plant's license pursuant to section
8 29 137F.7 and to the penalty provisions of section
8 30 137F.17.

8 31 2. The regulatory authority shall collect the
8 32 following annual license fees beginning July 1, 2008:

8 33 a. For a mobile food unit or pushcart, one hundred
8 34 dollars.

8 35 b. For a temporary food establishment per fixed
8 36 location, fifty dollars.

8 37 c. For a vending machine, twenty dollars for the
8 38 first machine and five dollars for each additional
8 39 machine.

8 40 d. For a food establishment which prepares or
8 41 serves food for individual portion service intended
8 42 for consumption on-the-premises, the annual license
8 43 fee shall correspond to the annual gross food and
8 44 beverage sales of the food establishment, as follows:

8 45 (1) Annual gross sales of under fifty thousand
8 46 dollars, one hundred dollars.

8 47 (2) Annual gross sales of at least fifty thousand
8 48 dollars but less than one hundred thousand dollars,

8 49 one hundred seventy dollars.
8 50 (3) Annual gross sales of at least one hundred
9 1 thousand dollars but less than two hundred fifty
9 2 thousand dollars, three hundred fifty dollars.
9 3 (4) Annual gross sales of two hundred fifty
9 4 thousand dollars but less than five hundred thousand
9 5 dollars, four hundred dollars.
9 6 (5) Annual gross sales of five hundred thousand
9 7 dollars or more, four hundred fifty dollars.
9 8 e. For a food establishment which sells food or
9 9 food products to consumer customers intended for
9 10 preparation or consumption off=the=premises, the
9 11 annual license fee shall correspond to the annual
9 12 gross food and beverage sales of the food
9 13 establishment, as follows:
9 14 (1) Annual gross sales of under ten thousand
9 15 dollars, sixty dollars.
9 16 (2) Annual gross sales of at least ten thousand
9 17 dollars but less than two hundred fifty thousand
9 18 dollars, one hundred fifty dollars.
9 19 (3) Annual gross sales of at least two hundred
9 20 fifty thousand dollars but less than five hundred
9 21 thousand dollars, two hundred thirty dollars.
9 22 (4) Annual gross sales of at least five hundred
9 23 thousand dollars but less than seven hundred fifty
9 24 thousand dollars, three hundred dollars.
9 25 (5) Annual gross sales of seven hundred fifty
9 26 thousand dollars or more, four hundred fifty dollars.
9 27 f. For a food processing plant, the annual license
9 28 fee shall correspond to the annual gross food and
9 29 beverage sales of the food processing plant, as
9 30 follows:
9 31 (1) Annual gross sales of under fifty thousand
9 32 dollars, one hundred dollars.
9 33 (2) Annual gross sales of at least fifty thousand
9 34 dollars but less than two hundred fifty thousand
9 35 dollars, two hundred dollars.
9 36 (3) Annual gross sales of at least two hundred
9 37 fifty thousand dollars but less than five hundred
9 38 thousand dollars, three hundred dollars.
9 39 (4) Annual gross sales of five hundred thousand
9 40 dollars or more, five hundred dollars.
9 41 g. For a farmers market where potentially
9 42 hazardous food is sold or distributed, one seasonal
9 43 license fee of one hundred dollars for each vendor on
9 44 a countywide basis.
9 45 h. A food establishment, at one location address
9 46 and with the same owner, covered by paragraphs "d" and
9 47 "e" shall be assessed license fees not to exceed
9 48 seventy=five percent of the total fees applicable
9 49 under both paragraphs. A food establishment, at one
9 50 location address and with the same owner, covered by
10 1 paragraphs "d" and "e" shall be assessed only one
10 2 applicable license fee in each category of those
10 3 paragraphs. If a food establishment under this
10 4 paragraph meets the requirements under subsection 6
10 5 for an additional discount, the establishment shall be
10 6 entitled to only one fifty=dollar discount to be
10 7 applied to the combined cost of both license fees.
10 8 i. Upon transfer of ownership of an existing food
10 9 establishment or food processing plant subject to a
10 10 license fee under paragraph "d", "e", or "f", the new
10 11 owner shall pay the last license fee amount paid by
10 12 the previous owner for the first year of licensure.
10 13 In subsequent years, the licensee shall pay the fee
10 14 specified for the licensee's annual gross sales.
10 15 j. A new applicant subject to a license fee under
10 16 paragraph "d", "e", or "f" shall pay the license fee
10 17 based on projected gross sales under each of the
10 18 applicable paragraphs for the first year of licensure.
10 19 In subsequent years, the licensee shall pay the fee
10 20 specified for the licensee's annual gross sales.
10 21 k. For a food establishment or food processing
10 22 plant that is being remodeled or newly constructed and
10 23 that is subject to a license fee under paragraph "d",
10 24 "e", or "f", the applicant shall pay, in addition to
10 25 any other fees assessed under this chapter, a plan
10 26 review fee of up to two hundred fifty dollars, as
10 27 determined by the regulatory authority.
10 28 l. For a food establishment or food processing
10 29 plant that is being remodeled and that is subject to a

10 30 license fee under paragraph "d", "e", or "f", the
10 31 licensee shall pay, in addition to any other fees
10 32 assessed under this chapter, a plan review fee of up
10 33 to two hundred fifty dollars, as determined by the
10 34 regulatory authority.
10 35 m. If a routine inspection or a complaint
10 36 investigation of a food establishment or food
10 37 processing plant subject to a license fee under
10 38 paragraph "d", "e", or "f" reveals the presence of one
10 39 or more critical violations and requires one or more
10 40 physical reinspections, a reinspection fee equal to
10 41 fifty dollars shall be assessed for each reinspection.
10 42 Failure to pay the reinspection fee shall subject a
10 43 food establishment or food processing plant to
10 44 suspension or revocation of the food establishment's
10 45 or food processing plant's license pursuant to section
10 46 137F.7 and to the penalty provisions of section
10 47 137F.17.
10 48 3. All fees imposed pursuant to this chapter shall
10 49 be increased annually, except as provided in this
10 50 chapter, in an amount equal to the consumer price
11 1 index for all urban consumers for the immediately
11 2 preceding calendar year, as published in the federal
11 3 register by the United States department of labor's
11 4 bureau of labor statistics. If the amount is less
11 5 than ten dollars, no increase shall occur until the
11 6 cumulative effect of the consumer price index is equal
11 7 to or greater than ten dollars. The increase shall be
11 8 rounded to the nearest whole dollar.
11 9 4. Fees collected by the department shall be
11 10 deposited in the general fund of the state. Fees
11 11 collected by a municipal corporation shall be retained
11 12 by the municipal corporation for regulation of food
11 13 establishments and food processing plants licensed
11 14 under this chapter.
11 15 5. Each vending machine licensed under this
11 16 chapter shall bear a readily visible identification
11 17 tag or decal provided by the licensee, containing the
11 18 licensee's business address and phone number, and a
11 19 company license number assigned by the regulatory
11 20 authority.
11 21 6. If an establishment licensed under subsection
11 22 1, paragraph "d" or paragraph "e", has a person in
11 23 charge with an active certified food protection
11 24 manager certificate from a program approved by the
11 25 conference on food protection for the entire previous
11 26 twelve-month period and has been issued no critical
11 27 violations during the previous twelve-month period,
11 28 the establishment's license fee for the current
11 29 renewal period shall be reduced by fifty dollars,
11 30 except as provided in subsection 2, paragraph "h".
11 31 Sec. ____. Section 137F.10, Code 2007, is amended
11 32 to read as follows:
11 33 137F.10 REGULAR INSPECTIONS.
11 34 The appropriate regulatory authority shall provide
11 35 for the inspection of each food establishment and food
11 36 processing plant in this state in accordance with this
11 37 chapter and with rules adopted pursuant to this
11 38 chapter in accordance with chapter 17A. A regulatory
11 39 authority may enter a food establishment or food
11 40 processing plant at any reasonable hour to conduct an
11 41 inspection. The manager or person in charge of the
11 42 food establishment or food processing plant shall
11 43 afford free access to every part of the premises and
11 44 render all aid and assistance necessary to enable the
11 45 regulatory authority to make a thorough and complete
11 46 inspection. As part of the inspection process, the
11 47 regulatory authority shall provide an explanation of
11 48 the violation or violations cited and provide guidance
11 49 regarding correction and elimination of the violation
11 50 or violations.
12 1 Sec. ____. NEW SECTION. 137F.20 INFORMAL
12 2 CONFERENCE OF DISPUTED CRITICAL VIOLATION.
12 3 1. If an establishment licensed under this chapter
12 4 wants to dispute a critical violation issued by a
12 5 regulatory authority resulting from a routine
12 6 inspection, reinspection or a complaint, the
12 7 establishment shall file a written notice with the
12 8 department within ten working days of the critical
12 9 violation being issued.
12 10 2. If a critical violation is disputed, the

12 11 director shall assign a representative of the
12 12 department, other than the inspector upon whose
12 13 inspection the disputed critical violation is based,
12 14 to hold an informal conference with the establishment
12 15 within ten working days after receipt of request made
12 16 under this section. At the conclusion of the
12 17 conference the representative may affirm, or modify or
12 18 dismiss the critical violation. In the latter case,
12 19 the representative shall state in writing the specific
12 20 reasons for the modification or dismissal and
12 21 immediately transmit copies of the statement to the
12 22 applicable regulatory authority and to the
12 23 establishment. If the disputed critical violation is
12 24 affirmed or modified, it shall within five working
12 25 days after the informal conference, or after receipt
12 26 of the written explanation of the representative,
12 27 whichever is later, bring the critical violation into
12 28 compliance.

12 29 Sec. _____. Section 196.3, Code 2007, is amended to
12 30 read as follows:

12 31 196.3 EGG HANDLER'S LICENSE AND FEE.

12 32 1. Every egg handler shall obtain an annual
12 33 license from the department. The fee for the license
12 34 shall be determined on the basis of the total number
12 35 of eggs purchased or handled during the preceding
12 36 month of April in each calendar year as follows:

12 37 1- a. Less than one hundred twenty-five
12 38 cases \$ ~~15.00~~
12 39 30.00

12 40 2- b. One hundred twenty-five cases or
12 41 more but less than two hundred fifty
12 42 cases \$ ~~35.00~~
12 43 70.00

12 44 3- c. Two hundred fifty cases or more but
12 45 less than one thousand cases \$ ~~50.00~~
12 46 100.00

12 47 4- d. One thousand cases or more but less
12 48 than five thousand cases \$ ~~100.00~~
12 49 200.00

12 50 5- e. Five thousand cases or more but less
13 1 than ten thousand cases \$ ~~175.00~~
13 2 350.00

13 3 6- f. Ten thousand cases or more \$ ~~250.00~~
13 4 500.00

13 5 2. The license shall expire one year after its
13 6 date of issue. For the purpose of determining fees, a
13 7 case shall be thirty dozen eggs. All fees collected
13 8 shall be remitted to the treasurer of state for
13 9 deposit in the general fund of the state.

13 10 3. If an egg handler is not operating during the
13 11 month of April, the department shall estimate the
13 12 volume of eggs purchased or handled, or both, and may
13 13 revise the fee based on three months of operation.

13 14 Sec. _____. Section 331.756, subsection 32, Code
13 15 2007, is amended to read as follows:

13 16 32. Assist the department of inspections and
13 17 appeals in the enforcement of the ~~Iowa food code rules~~
13 18 ~~setting minimum standards to protect consumers from~~
13 19 ~~foodborne illness adopted pursuant to section 137F.2~~
13 20 ~~and the Iowa hotel sanitation code, as provided in~~
13 21 ~~sections 137F.19 and 137C.30.~~

13 22 Sec. _____. FOOD CODE APPLICABILITY == TEMPORARY
13 23 PROVISIONS. Pending the adoption of rules pursuant to
13 24 section 137F.2, as amended by this Act, the 1997
13 25 edition of the United States food and drug
13 26 administration food code, with the amendments or
13 27 exceptions thereto in effect prior to the effective
13 28 date of this Act, shall continue in effect.

13 29 Sec. _____. EFFECTIVE DATE.

13 30 1. The section of this division of this Act
13 31 amending section 137F.3A, being deemed of immediate
13 32 importance, takes effect upon enactment.

13 33 2. The section of this division of this Act
13 34 amending section 196.3, takes effect July 1, 2008.

13 35 3. Section 137F.6, subsection 3, as enacted in
13 36 this division of this Act providing for fees to be
13 37 adjusted annually based on the consumer price index
13 38 shall be effective for determining fees for fiscal
13 39 years beginning on or after July 1, 2009.

13 40 4. Section 137F.6, subsection 6, as enacted in
13 41 this division of this Act providing for a discount for

13 42 having a certified food manager and no critical
13 43 violations takes effect July 1, 2008.>
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13 46 _____
13 47 JOCHUM of Dubuque
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13 50 _____
14 1 RAECKER of Polk
14 2 SF 601.720 82
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